



TOWN OF HOPEDALE
ZONING BOARD OF APPEALS
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

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Advisory Opinions

Residents and developers will often seek an "informal" opinion of the Zoning Board of Appeals (ZBA) prior to filing a petition for a variance or a special permit. Understandably, people look for some guidance and advice before investing time and money on a formal petition.

The ZBA, however, is not permitted to offer such advisory opinions for several reasons.

First, under the Massachusetts General Laws and the Hopedale Zoning By-Laws, the ZBA has limited jurisdiction to "hear and decide" appeals, petitions for variances, and petitions for special permits. G.L. c. 40A, §§ 14(1)-(4); Hopedale Zoning By-Laws §§ 10.4(a)-(c). There is simply no authority to provide an advisory opinion or a legal opinion.

Second, providing an "informal" opinion would not be fair. Before the ZBA takes any action, abutters, property owners, and other town residents have a right to be notified of the relief being sought and a right to an opportunity to be heard at a public hearing. These are long-standing and very significant rights secured by the Hopedale Zoning By-Laws, the Massachusetts General Laws, and the Constitutions of Massachusetts and the United States.

Third, the Massachusetts Appeals Court has determined that advisory opinions should be avoided, especially on matters that may eventually be heard by the ZBA in a public hearing: "The board has no power to issue advisory opinions or to make decisions which partially commit it to the issuance of a permit." Weld v. Board of Appeals of Gloucester, 345 Mass. 376, 379 (1963).

With these limitations in mind, the ZBA remains committed to simplifying zoning procedures and offering general answers to frequently asked questions. For the convenience of all, the Hopedale Zoning By-Laws are published on this website along with an updated zoning map.

Public input is always welcome and is invited at every ZBA meeting as we all work to build a better future for Hopedale.